

**ZONING BOARD OF APPEALS
SATURDAY, FEBRUARY 28, 2015
3:00 P.M.**

Present: Chairman Robert Treuhold, Ogden Lewis, T. David Mullen, Brendan Ryan, Alexander Ames and Village Attorney Richard DePetrìs

Absent: Charles Mott

1) **Chairman Treuhold** brought the meeting to order. The minutes of the **January 31, 2015** meeting were approved into the record. The next meeting was scheduled for **3 PM, on March 28, 2015.**

2) The first item on the afternoon's agenda was the holdover application of **Stephen and Kristen Fealy** for a setback variance to 75 feet from Wildwood Lane in order to permit proposed tennis court and for a determination or variance in order to permit proposed private yoga studio (having 363 SF of interior space and a covered porch) as an accessory structure/use with a setback of 30 feet from the easterly side line. Premises are known as **4B Sandacres Lane. TM #902-7-1-4.32**

Attorney **Kittric Motz** was present along with the applicant **Mrs. Fealy**, and her contractor **Joseph Spano**, and **Mr. Arm**, her architect. Mrs. Motz submitted a copy of the final subdivision map showing that there had previously been an asphalt basketball court within 73 feet of Wildwood Lane and her client was asking for a tennis court within 75 feet of the same. Although the basketball court had already been removed, Mr. Motz wanted the board to know that there had been another structure in the same place. On February 13th, Mrs. Motz had submitted revised elevations and a revised site plan for the Fealy's yoga studio reducing the studio to 249 SF. With the reduced size of the yoga studio, the side yard setback was no longer required. They had not changed the height of the yoga studio. There was no proposed plumbing, and the studio would be on a slab, with no bedroom.

Village attorney **DePetrìs** worded the decision as follows. . .

DECISION: WE GRANT A SETBACK VARIANCE TO 75 FEET FROM WILDWOOD LANE IN ORDER TO PERMIT THE PROPOSED TENNIS COURT AND WE GRANT PERMISSION FOR A PROPOSED PRIVATE YOGA STUDIO AS AN ACCESSORY USE IN ACCORDANCE WITH THE SURVEY BEARING A REVISED DATE OF 2-13-15 AND THE PLANS BEARING A REVISED DATE OF 2-10-15 SUBJECT TO THE FOLLOWING CONDITIONS RELATING TO THE PROPOSED YOGA STUDIO:

- 1) There shall be no plumbing facilities.
- 2) There shall be no cooking, sleeping, or living facilities.
- 3) There shall be no air conditioning.
- 4) The proposed yoga studio building shall not be used for any use other than the proposed private yoga studio use or storage use without further approval from the Zoning Board of Appeals.

MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE DECISION AS WORDED BY MR. DEPETRIS. MR. MULLEN MADE THE MOTION. MR. LEWIS SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the holdover application of **Richard Kadlick** for a lot coverage variance to 25.81% in order to permit proposed swimming pool, pool patio, and garage patio and for a variance in order to permit proposed alteration of existing nonconforming detached garage for use as a garage, pool house, and tool shed. Premises are known as **106 Depot Road. TM #902-10-1-16**

The owner **Deborah Kadlick** was present along with her landscaped architect **Susan Wilcenski**. Mrs. Kadlick explained that they had reduced their lot coverage request to 21.41%. They had also moved the garage two feet back from the road, as per the board's previous request. Mrs. Wilcenski explained that they had eliminated the two previously proposed patios, one by the pool house entrance, and the other off the main house. They were now only requesting a 4 foot wide access pathway. The board explained that they would need to submit a formal, updated survey showing all revised setback data as well as the new location of the driveway, swimming pool etc. The board also wanted to make sure that the garage was going to have a one car bay, a wash-room, and a changing area. The front part, going toward the gravel driveway, was proposed to be used for storage and as a garden tool shed. There was a proposed hatch opening going down into the storage area, which would be no deeper than 4 feet. Mrs. Motz came forward to look over the new plans on behalf of her clients the Bauers and the Rogers, who are neighbors of the Kadlicks.

Village attorney DePetrus worded the decision as follows. . .

DECISION: WE GRANT A LOT COVERAGE VARIANCE TO 21.41% FOR THE PROPOSED SWIMMING POOL AS SHOWN ON THE REVISED PLAN OF SPACES LANDSCAPE ARCHITECTURE DATED 2-12-15 AND WE GRANT A VARIANCE IN ORDER TO PERMIT PROPOSED ALTERATION OF THE EXISTING, NONCONFORMING, DETACHED GARAGE FOR USE AS A GARAGE, POOL HOUSE, AND TOOL SHED AT THE REVISED LOCATION SHOWN ON THE PLAN OF SPACES LANDSCAPE ARCHITECTURE DATED 2-12-15. WE GRANT THE FOREGOING SUBJECT TO THE SUBMISSION OF A PLAN BY SPACES LANDSCAPE ARCHITECTURE SHOWING THE ACTUAL SETBACKS OF THE PROPOSED GARAGE LOCATION SHOWN ON THE PRIOR PLAN. MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE DECISION AS WORDED BY MR. DEPETRIS. MR. MULLEN MADE THE

MOTION. MR. LEWIS SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **811SRD Holdings LLC** for height variances to 10 feet above the highest point of the highest roof for two proposed chimneys and to 8 feet above such highest point for two proposed chimneys and for a visibility (open space) variance in order to permit proposed retaining wall with a height of 3.5 feet. Premises are known as **49 Shinnecock Road. TM #902-10-3-10.3**

Attorney **Kittric Motz** was present for the applicant. She submitted a letter saying that **Mr. Pozycki**, the neighbor at **161 Dune Road**, was no longer requesting an adjournment, as his questions had been answered concerning their variance. She then explained that she was aware that their chimney height request was unique and that she was not aware of any such request in the village prior to theirs. She did not find in any of the previous public records, reasons as to why the height restriction of 5 foot over the highest ridge was passed by the trustees back in 2000. She explained that because of problems within a few months of completion of the original house built in 2006, the owners made a decision to convert all but one of the fireplaces to gas burning from wood burning. The new owners want to restore the chimneys to their wood burning abilities. In order to do that they need 2 of the existing chimneys to have 5 foot variances in order to reach 10 feet above the highest roof ridge, and 2 proposed new chimneys to have 3 foot variances to reach 8 feet above the highest roof ridge. The two proposed 8 foot chimneys would be added as part of the proposed new addition to the house. Mrs. Motz explained that the property was located right on the water, in a very wind swept area, right before it opens up into Shinnecock Bay, and not surrounded by any other tall buildings. Across from their house is open preserve land. In order to get information to help correct the flaws to the existing fireplaces, attorney Motz checked two different organizations, the National Fire Protection Association and the American Society of Heating, Refrigerating and Air Conditioning Engineers. After explaining what the two organizations do, all of which information can be found in the attachments to her application; she explained that according to ASHRA, technically, the only way to completely eliminate a chimney downdraft problem would be to build a chimney 1.3 to 2 times the building height, which would clearly be impractical in a residential area. They were instead requesting just a few feet extra to help counteract their problem. Attorney Motz explained that the bottom line was that the subject house was in a location of a lot of wind, from many directions, causing documented problems that were not self-created. Their chimneys were in need of assistance in order to function properly. She felt that in the particular location, at the end of the road, the requested variances would not be visible to others. The northerly neighbor submitted a letter in favor of their application, and the neighbor across the water, at 161 Dune Road, was also not objecting. She also included that there were a number of other chimneys in the village that met or exceed the 10 foot height that her client was requesting.

The applicants architect **David Stanton**, came forward to show the board some renderings to help them see examples of homes with similar chimney heights. He also ex-

plained that the owners wanted 2 additional fireplaces in the home with the ability to burn wood. He showed the board the proposed fireplace in a one- story, screened porch area that the owners were requesting.

The board felt that that the code was in place for a reason and that there was not enough of a compelling reason to grant the variances. They also felt the applicants could use other methods to correct their issues, especially since there were many other homes in Quogue with chimneys, and granting the chimney variances would indeed be starting or setting a precedent. Mrs. Motz explained that the building code only specified a minimum chimney height and not a maximum chimney height. She felt it was instead a combination of many factors. The board mentioned that some houses had inducers on top of their chimneys. Mr. Spano explained that the height of the chimney in the master bedroom was the chimney of most concern. He was wondering if they could build it as per their application, and test it to see if it worked. The board was not compelled to grant their request. The board felt that if the applicants wanted, they could reformulate a request and come back before the board.

DECISION: MR. TREUHOLD ASKED FOR A MOTION DENYING THE 811SRD HOLDINGS LLC APPLICATION. MR. AMES MADE A MOTION TO DENY THE APPLICATION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the application of **The Cotswolds, LLC** for a rear yard variance to 88.4 feet for a principal building where 100 feet is required, for a height variance to 36.8 feet in a required rear yard where the maximum height is 16 feet, for a side yard variance for a swimming pool to 29.3 feet where 35 feet is required, for a variance to 29.3 feet for a swimming pool from a body of water (Quogue Canal) where 50 feet is required, for a side yard variance to 41.2 feet for an elevated pool patio from a body of water (the Quogue Canal), where 50 feet is required, and for a side yard variance for an elevated patio to 39.9 feet from a body of water (Quogue Canal) where 50 feet is required. Premises are known as **40 Ocean Avenue. TM #902-10-3-24**

Attorney **Stephen Latham** was present for the applicant. **Richard Warren** of Inter-science Research was also present along with the owner, and his landscape architect, **Matthew Jackman**. Mr. Latham explained that the property was purchased last year, and it was a preexisting nonconforming lot in the A8 zone. They were working to improve all the setbacks and all the potential environmental impacts that existed. Mr. Warren explained all the improvements on the existing property. He explained that the house, in its present condition, was FEMA noncompliant and sits essentially at the edge of the wetlands, and the property had not been very well maintained by the former owners. Tidal marsh and wetlands are on all sides of the property, and it also sits adjacent to the Quogue Canal. The owners proposed improvements to the site plan to make it more compact. They had a more energy efficient traditional home on pilings, with a smaller structural footprint, and smaller landscape footprint on the property, along with new drainage and sanitary systems that would be upgraded, making them better than what had

previously existed. Mr. Warren submitted some additional sketches for the board to review, and explained the improvements and variance requests using the drawings. There is an existing 576 SF. swimming pool, but the applicant was asking for 29.3 feet where 35 feet are required, in order to construct a much smaller, 320 SF pool. Mr. Warren explained that they were proposing a cartridge filtration system for the swimming pool which would not require a backwash. The elevation of the pool would be 8.6 feet and push further away from the water than the previous pool. Mr. Warren also included a drawing showing a comparison plan of setbacks to show the board their efforts to provide reduction in the elements and clear improvements. He also presented comparison drawings showing all the existing structures on the property at 12,812 SF., as well as all proposed new structures at 7,913 SF., explaining that they had reduced the size of all structures. He showed a landscape comparison drawing going from an existing 26,612 SF. to 12,000 SF of landscaping, a 53% reduction. Mr. Warren explained that they would be using leaching galleys in the sanitary system as opposed to leaching pools to help compact the system because of the constricted space. He explained that the bulkheads were in good condition. The board expressed concern about the height of the house especially over the screened porch and also wondered if the house could be slid back, further away from the canal, making their variance request smaller. Mr. Warren felt it might constrict the parking area. After further discussion, the board felt that they would prefer to adjourn the application for further reflection. The board felt that maybe by adjusting their design, along with other adjustments; the applicants could minimize their variance requests and come back before the board.

MR. TREUHOOLD EXPLAINED THAT THE BOARD WOULD LIKE TO ADJOURN THE APPLICATION FOR FURTHER DISCUSSION.

6) Attorney **Kittric Motz** came forward in reference to the **811SRD Holdings LLC** application explaining that there was a retaining wall aspect to the application that had not been discussed. Mr. Treuhold explained that the board did have some concerns about how close the retaining wall was to the property line and was hoping that her clients could possibly increase the distance from the property line, because of drainage concerns, and other issues. Mrs. Motz said she would discuss it further with the applicants.

The meeting was adjourned.

Respectfully submitted by: _____ **File date:** _____